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**Human Rights Council**
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**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

# Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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# India: Hurt, hunger and humiliation for the refugees of the Republic

1. The Asian Legal Resource Centre (ALRC) draws the attention of the Human Rights Council to the disastrous aftermath of the sectarian attacks in September 2013 on the religious minorities in Muzaffarnagar and neighboring areas of Uttar Pradesh in India. The government of Uttar Pradesh has recently admitted in front of the Supreme Court of India that out of the 65 deaths, 50 came from the minority community alone.

2. The attacks resulted in mass exodus of the community from their villages and their seeking shelter in makeshift camps built in Muslim majority villages. The camps are supported by the communitarian organizations and have hardly received any assistance from the government. There were 58 such camps according to the state government. These camps housed most of those rendered homeless and belonging to the minority community, 65,000 by the most conservative estimates. The community has also suffered massive loss of property, livestock, and other assets in the nine villages that suffered the brunt of the attack.

3. The camps were essentially most basic arrangement with merely a plastic sheet to survive the biting cold in the area where temperatures dip down to 0.3 degrees Celsius. The dismal conditions of the camps have resulted in high mortality of children and the elderly. Though the government acknowledges only 33 children dying in the camps, the actual figures are believed to be far worse. An ALRC staff member has himself documented 49 cases of children dying due to the cold. Awami Council for Democracy and Peace, a civil society organisation that is fighting for the rights of riot affected people in the ongoing court case in the Supreme Court of India, has documented more than 52 such deaths in its written submission to the Court.

4. Furthermore, the state government later offered a lump sum compensation of 500,000 INR (appx. 8,000 USD) to people in riot affected villages with the bizarre condition that they never return to their villages, an act that was questioned by the Supreme Court of India. It becomes evident from this requirement that not only has the state government failed in drafting a policy taking care of rehabilitation, but it has proactively attempted to thwart any rehabilitation sought by the community. The compensation policy further fails in taking stock of the loss of common property such as fields, open lands, places of worship, burial grounds, etc.

5. The state government also decided to offer compensation to the residents of only those villages where murders had taken place and counting all others as not hit by riots even when Muslims had to flee those villages facing serious threats, attacks, and their settlements having burnt down completely. Four months after the violence, the police have largely failed to arrest and prosecute those responsible for the attacks, including brutal cases of rapes and gang rapes, 13 of which have been registered. The failure to act by the police in rape cases has forced other victims into silence. These developments have forced the community to marry even their underage daughters in hopes of protection. Local camps have witnessed hundreds of such marriages.

6. Certain influential members of the community have come together to offer small pieces of lands at self-subsidized rates to the riot affected people so that they can build houses. Local politicians belonging to the majority community have opposed such moves in the name of the impact it would have on the demography; the government has often been found taking their side. Further, there has been no initiative from the government to implement any schemes for housing such as the Indira Awas Yojna.

7. Rather than providing at least basic amenities to the survivors, the government went into a denial mode and accused the victims as conspirators trying to bring embarrassment to the government and ordered demolition of relief camps. There was no explanation given whatsoever, except that the lands occupied by homeless, riot affected people were government lands. By the time of the ALRC staffer's visit, many of such camps had been demolished.

8. The demolitions have forced the victims out of even those dilapidated camps. Many of them have moved to locations even more dangerous and unfit for human habitation.

9. The demolitions have erased whatever little semblance of normalcy that had returned to the lives of riot affected community. This has greater consequences for children whose studies have been disrupted second time, first by the riots

and now demolitions.

10. India has ratified the International Covenant on Civil and Political Rights. Article 27 of this legally binds signatories not only to protect the minorities but also to promote an environment where they can enjoy their culture. It reads, "*In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.*"

11. India has also ratified the Convention on the Rights of the Child, in 1992. The convention, among other things, makes a legally binding obligation for the state authorities "in those states in which *ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.*"

12. India has also been a signatory to International Covenant on Economic Social and Cultural Rights (ICESCR). The demolition drives are conducted in violation of Article 11(1) of the same promising adequate standard of living for a person and their family, including adequate food, clothing, and housing.

13. Given the above, the ALRC urges the Human Rights Council to:

a. *Engage* in constructive dialogues with the Government of India to ensure that the government take all measures to rehabilitate the community, children in particular, and for the Council to assist the state and civil society groups working on the issue in India;

b. *Assist* national bodies like the National Commission for Protection of Child Rights and similar State Commissions to actively engage the issue with a view to critically assess and effectively assist the government in protecting child rights;

c. *Urge* the provincial authorities to ensure that the children whose studies have been disrupted because of riots and demolitions are assisted on an urgent basis and no measures are spared to bring them back to the schools;

d. *Request* the government to appreciate the urgent need for setting up psychological counseling centers in the district to assist the victims of the riots come to terms with their personal trauma. Any such efforts must also address the special needs of the children victims and special cells must be made to take care of them;

e. *Urge* the relevant authorities both at provincial and national level to hold speedy and impartial investigations into the riots and prosecute both those who incited the riots and those members of the local administration who failed to protect the minorities despite being bound by oath to do so, and;

f. *Request* the concerned authorities to compensate the victims with a focus on rehabilitation. The rehabilitation package must include safe and adequate housing and livelihood opportunities.